

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT JOSEPH FIORE, II,)	
)	
Plaintiff,)	
)	
v.)	1:15CV641
)	
H. L. CRADDOCK, et al.,)	
)	
Defendants.)	

ORDER

On April 6, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (ECF Nos. 7, 8.) Plaintiff filed objections (ECF No. 9) within the time limit prescribed by Section 636. The Court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (ECF No. 7), which is hereby affirmed and adopted.

To the extent that Plaintiff contends that he submitted the filing fee in this case, the Court notes that no such payment was received by the Clerk's Office. A Supplement (ECF No. 10) filed by Plaintiff reflects a U.S. Postal Service receipt for a \$400.00 Postal Service Money Order that was purportedly sent to "Clerk of the Court Rowan County Detention Center," but the payment was not received by this Court, and U.S. Postal Service records reflect that the money order was refunded by the Postal Service.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to File an Amended Complaint (ECF No. 6) is DENIED without prejudice to Plaintiff filing a new complaint on the proper § 1983 forms accompanied by the \$400.00 filing fee, as set out in the Judgment in this case.

This the 4th day of November, 2016.

/s/ Loretta C. Biggs
United States District Judge